IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 180 OF 2005

Mohammed Salim & anr. ... Applicants.
Versus.
V.M.Jayprakash, Intelligence Officer, Narcotics Control Bureau and another. ... Respondents.

Shri Anil Lalla i/by M/s.Lalla & Lalla for the Applicants.

Ms.S.S.Patwardhan i/by Shri D.N.Salvi for the Respondent No.1.

Shri K.V.Saste, A.P.P. for Respondent No.2.

CORAM : ABHAY S. OKA, J.

DATED : 20th June, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. The challenge in this Application is to the order dated 2nd May 2005. By the said order, the Narcotic Control Bureau was permitted to add section 27A of the Narcotic Drugs and Psychotrophic Substances Act in the body of complaint.

2. The learned Counsel for the Applicants submitted that immediately after issuing the process and at a preliminary stage such an order could not have been passed by the learned trial Judge. He, therefore, submitted that the impugned order is illegal and deserves to be set aside.

3. The learned Special Judge has held that the complaint even otherwise discloses offence punishable under section 27A of the said Act and the Complainant had merely omitted to mention section 27A of the said Act. The learned Judge has, therefore, rightly held that by passing the order impugned no prejudice will be caused to the Accused as the Court is yet to frame charge against the Accused.

4. In view of this, no case is made out for interference. The Revision Application is rejected.

Judge.